IPRS authorised to issue notices against performance of copyrighted works, holds court

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Aurangabad District Court dismisses plaint of hotel owners disputing IPRS' right to issue licences and collect royalty on behalf of performers. The Indian Performing Rights Society (IPRS) had issued notices to hotels in Aurangabad, Maharashtra, informing them about its rights to grant licences and receive royalty on behalf of performers registered with it. The hotel owners were obligated to obtain a public performance license for the communication of songs that were part of IPRS' repertoire before performances of these songs were held. The plaintiff association refused to recognise IPRS' rights and filed a suit before the Aurangabad District Court claiming the notices to be 'groundless threats' and seeking a declaration that the demand by IPRS for payment of license fee was illegal and for an injunction to be granted restraining IPRS from making such a demand. Dismissing the plaint, the court held that issuing notices is the legal right of IPRS, as a registered copyright society issuing copyright licences, collecting license fees and distribution of the same to the owner of copyright. As such, the plaintiffs could not contend that the notices were groundless threats.

Aurangabad District Hotels and Restaurants Owners Association v Indian Performing Rights Society; before Aurangabad District Court; dated 31.03.2017

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